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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,502	09/29/2003	Masashi Hamanaka	60188-658	8488

7590 07/15/2005

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Washington, DC 20005-3096

EXAMINER
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RACHUBA, MAURINA T

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/671,502	Applicant(s) HAMANAKA ET AL.	
	Examiner M Rachuba	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2003.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-10 and 15-21 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 7-10 and 15-21 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☒ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/29/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of species 2, claims 7-10 in the reply filed on 11 May 2005 is acknowledged. Claims 7-10 and newly added claims 15-21 directed to the elected species have been considered on the merits, please refer to the action below.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 7, 9, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neto, US005634497A in view of Salugsugan, US005486265A , Adams et al, US005755614A, or Hayden, US006015499A . '497, in a tube used for

suction and discharge of ore slurry or any other abrasive material, provides for reinforcement of the tube that substantially does not contain fine particles, but does not disclose that the tube can be used to supply slurry in a chemical mechanical polishing method or apparatus. '265, figure 3, **314**'614, figure 2, **33**, or '499, figure 1, **30**, teach that it is old and well known in chemical mechanical processing of substrates to supply a slurry to a processing tool via a tube. It would have been obvious to one of ordinary skill in the art to have used the tube disclosed by '497 in a chemical mechanical polishing apparatus or method as taught '265, '614 or '499, to allow abrasive slurry to be supplied to the processing tool, with a longer life for the tube.

5. Claims 8, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neto, US005634497A in view of Salugsugan, US005486265A , Adams et al, US005755614A, or Hayden, US006015499A as applied to claims 7, 9, 15 and 19 above, and further in view of Madle, US003665096A. The previously combined references do not teach the tube made of silicon rubber. Note that '497 does teach that the inner lining of the tube may be made of abrasion resistant rubber tape. '096 teaches that silicon rubber is an abrasion resistant rubber. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided '497 with the tube made of silicon rubber, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. '096, column 3, lines 14-16 teaches that silicon rubber is abrasion resistant.

Therefore one of ordinary skill would have found it obvious to make the abrasion resistant tube taught by '497 of silicon rubber, taught as abrasion resistant by '096.

6. Claims 10, 17, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neto, US005634497A in view of Salugsugan, US005486265A , Adams et al, US005755614A, or Hayden, US006015499A as applied to claims 7, 9, 15 and 19 above, and further in view of JP10152976A. The previously combined references teach that it is old and well known to make the inner surface a slurry supply hose from abrasion resistant material, but do not teach that the material is vinyl chloride. '976 (see enclosed English abstract) teaches that vinyl chloride is an old and well known abrasion resistant material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided '497 with the tube made of vinyl chloride, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. '976, teaches that a layer of vinyl chloride is abrasion resistant. Therefore one of ordinary skill would have found it obvious to make the abrasion resistant tube taught by '497 of vinyl chloride, taught as abrasion resistant by '096.

### ***Conclusion***

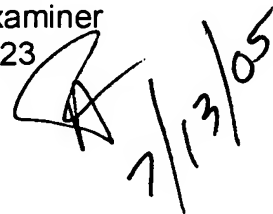
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other similar devices are cited of interest.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Rachuba whose telephone number is 571-272-4493. The examiner can normally be reached on Monday-Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M Rachuba  
Primary Examiner  
Art Unit 3723

Handwritten signature and date 7/13/05.